

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

BONNIE BURNETTE ERWIN

§

VS.

§

CIVIL ACTION NO. 1:19-CV-375

UNITED STATES OF AMERICA, ET AL.

§

MEMORANDUM ORDER PARTIALLY ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Bonnie Burnette Erwin, a federal prisoner previously confined at the Federal Correctional Institution in Beaumont, Texas, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), and the Federal Tort Claims Act against the United States of America, Michael Horowitz, Jeff Baney, James T. Jack, J. F. Caraway, Deborah Schull, the Director of the Federal Bureau of Prisons, Mark Inch, Dallas Jones, the FCC Beaumont, the Texas Secretary of State, the Secretary of State, Sonier, Louis Romos, Correct Care Solutions/Medical League Concepts, Croddack, Provost, and T. Pike.

The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the claims against defendants Horowitz, Jack, Schull, the Texas Secretary of State, and the Secretary of State of the United States of America pursuant to 28 U.S.C. § 1915(e) as frivolous and for failure to state a claim upon which relief may be granted.

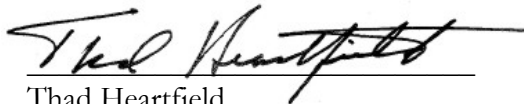
The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. Plaintiff filed objections to the Magistrate Judge's Report and Recommendation. Plaintiff objects to the dismissal of defendant Jack, but does not object to the other recommendations.

The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the court concludes that plaintiff's objections have merit, and defendant Jack will not be dismissed from this action at this stage.

**ORDER**

Accordingly, the Report and Recommendation of the magistrate judge (document no. 6) is **ADOPTED** to the extent that it recommends dismissal of the claims against defendants Horowitz, Schull, the Texas Secretary of State, and the Secretary of State of the United States of America. Defendants Michael Horowitz, Deborah Schull, the Secretary of State of Texas, and the Secretary of State of the United States of America are **DISMISSED** from this action.

**SIGNED** this the **30** day of **November, 2020**.

  
Thad Heartfield  
United States District Judge